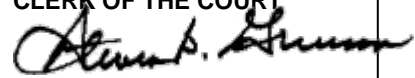


EXHIBIT 1



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15 Attorneys for MANDALAY BAY, LLC,
16 MANDALAY RESORT GROUP, MGM
17 RESORTS FESTIVAL GROUNDS, LLC, MGM
RESORTS VENUE MANAGEMENT, LLC,
AND MGM RESORTS INTERNATIONAL

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 RACHEL SHEPPARD an Individual, LOTUS
21 HERRERA an Individual and as Special
Administrator of the Estate of BRIAN FRASER,
22 decedent; STEPHANIE FRASER as the Guardian
Ad Litem for AUBREE FRASER, a minor;
23 STEPHANIE FRASER as the Guardian Ad Litem
for BRAYDEN FRASER; JOV ANNA
24 CALZADILLAS an Individual, FRANCISCO
CALZADILLAS an Individual; and NICHOLAS
25 ROBONE an Individual,

26 Plaintiffs,

27 vs.
28

Case No. A-18-769752-C
Dept. No.: XXIV

**DEFENDANTS MANDALAY BAY,
LLC, MANDALAY RESORT GROUP,
MGM RESORTS FESTIVAL
GROUNDS, LLC, MGM RESORTS
VENUE MANAGEMENT, LLC, AND
MGM RESORTS INTERNATIONAL'S
NOTICE OF FILING FOR REMOVAL
OF ACTION**

1 MANDALAY BAY, LLC, f/k/a MANDALAY
2 CORP., a Nevada Domestic Limited-Liability
3 Company; MANDALAY RESORT GROUP, a
4 Nevada Corporation; MGM RESORTS
5 FESTIVAL GROUNDS, LLC, a Nevada
6 Domestic Limited-Liability Company; MGM
7 RESORTS VENUE MANAGEMENT, LLC, a
8 Nevada Domestic Limited-Liability Company;
9 MGM RESORTS INTERNATIONAL, a
10 Delaware Corporation; DOES/ROES 1 through
11 100

Defendants.

8 **TO THE COURT, ALL PARTIES, AND ATTORNEYS OF RECORD:**

9 PLEASE TAKE NOTICE that Defendants Mandalay Bay, LLC, Mandalay Resort Group,
10 MGM Resorts Festival Grounds, LLC, MGM Resorts Venue Management, LLC, and
11 MGM Resorts International have filed with the Clerk of the United States District Court for the
12 District of Nevada their Notice of Removal, a copy of which is attached hereto as **Exhibit A**, and
13 supporting documents, and that this action is removed to the United States District Court as of
14 June 22, 2018. By virtue of this removal, no further proceedings before this Court are permitted.
15 (*See* 28 U.S.C. § 1446(d).)

16 DATED: June 22, 2018

PISANELLI BICE PLLC

17 By: /s/ James J. Pisanelli

18 James J. Pisanelli, Esq., #4027

19 Todd L. Bice, Esq., #4534

20 Debra L. Spinelli, Esq., #9695

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21 BRAD D. BRIAN (*pro hac vice* forthcoming)

22 MICHAEL R. DOYEN (*pro hac vice* forthcoming)

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26 Attorneys for Defendants MGM RESORTS

INTERNATIONAL, MANDALAY CORP., and MGM

27 RESORTS FESTIVAL GROUNDS LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Pisanelli Bice PLLC, and that on this 22nd day of June, 2018, I caused to be e-filed/e-served through the Court's website true and correct copies of the above and foregoing **DEFENDANTS' MANDALAY BAY, LLC, MANDALAY RESORT GROUP; MGM RESORTS FESTIVAL GROUNDS, LLC; MGM RESORTS VENUE MANAGEMENT, LLC; AND MGM RESORTS INTERNATIONAL'S NOTICE OF FILING FOR REMOVAL OF ACTION** property addressed to the following:

Mark P. Robinson, Jr.
Daniel S. Robinson
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Newport Beach, CA 92660

Robert T. Eglet
Robert M. Adams
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/s/ Kimberly Peets
An employee of Pisanelli Bice PLLC

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15 Attorneys for Defendants MANDALAY BAY, LLC,

MANDALAY CORP., MANDALAY RESORT

16 GROUP, MGM RESORTS FESTIVAL GROUNDS,

LLC, MGM RESORTS VENUE MANAGEMENT,

17 LLC, AND MGM RESORTS INTERNATIONAL

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 RACHEL SHEPPARD an Individual, LOTUS
21 HERRERA an Individual and as Special
Administrator of the Estate of BRIAN
22 FRASER, decedent; STEPHANIE FRASER
as the Guardian Ad Litem for AUBREE
23 FRASER, a minor; STEPHANIE FRASER as
the Guardian Ad Litem for BRAYDEN
24 FRASER; JOVANNA CALZADADILLAS an
Individual; FRANCISCO CALZADILLAS an
25 Individual; NICHOLAS ROBONE an
Individual; ANTHONY ROBONE an
26 Individual,

27 Plaintiffs,

28 vs.

Case No.

**NOTICE OF REMOVAL BY
DEFENDANTS**

MANDALAY BAY, LLC, f/k/a
MANDALAY CORP., a Nevada Domestic
Limited-Liability Company; MANDALAY
RESORT GROUP, a Nevada Corporation;
MGM RESORTS FESTIVAL GROUNDS,
LLC, a Nevada Domestic Limited-Liability
Company; MGM RESORTS VENUE
MANAGEMENT, LLC, a Nevada Domestic
Limited-Liability Company; MGM RESORTS
INTERNATIONAL, a Delaware Corporation;
DOES/ROES 1 through 100,

Defendants.

TO THE COURT, ALL PARTIES, AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1441 and 1446, and in
accordance with 28 U.S.C. § 1331 and 6 U.S.C. §§ 441-444, all Defendants hereby remove this
action from the Eighth Judicial District Court of Clark County, Nevada, Case No. A-18-769752-C,
to the United States District Court for the District of Nevada. Removal is proper on the following
grounds:

TIMELINESS OF REMOVAL

1. On June 6, 2018, Plaintiffs served a Summons and First Amended Complaint
("FAC") on Defendants. The FAC alleges causes of action arising out of the mass shooting in
Las Vegas on October 1, 2017. (A prior version of the complaint filed by some of the plaintiffs
was never served). True and correct copies of all process, pleadings and orders served on
Defendants as of the date of this filing are attached as Exhibit A.

2. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b). Defendants
discovered the basis for this Court's jurisdiction through their own investigation of Plaintiffs'
claims after service of the FAC on June 6, 2018. *See* attached Declaration of Michael R. Doyen
("Doyen Declaration"). This Notice of Removal is being filed on June 22, 2018, within 30 days of
service of the Summons and FAC, and within 30 days of Defendants' discovery of the basis for
federal jurisdiction.

GROUND FOR REMOVAL

3. Removal is proper under 28 U.S.C. § 1441(a) and the Support Anti-Terrorism by Fostering Effective Technologies Act of 2002, 6 U.S.C. §§ 441-444 (also known by the acronym, the “SAFETY Act”). The SAFETY Act provides for exclusive federal jurisdiction over actions arising from acts of mass violence where technologies or services certified by the Department of Homeland Security were employed at the event to prevent or respond to mass violence. This is such an action.

4. The SAFETY Act applies to actions arising from any (i) “unlawful” act, (ii) that “causes harm to a person ... in the United States,” and (iii) that “uses or attempts to use ... weapons ... designed or intended to cause mass ... injury.” 6 U.S.C. § 444(2)(B) (defining, for purpose of the SAFETY Act, an “act of terrorism”). The associated regulations set forth the same definition. 48 C.F.R. § 50.201. The Secretary of Homeland Security must determine whether the statutory and regulatory definitions are met. *Id.* Subsequent events demonstrate that the Secretary has made such a determination.¹

¹ The Secretary and the DHS have made clear that the tragedy in Las Vegas falls within the scope of the SAFETY Act. *See* Congressional Testimony of Acting Secretary of DHS, Nov. 30, 2017 (noting emphasis of “terrorists and other violent criminals ... on attacking soft targets,” including “recent tragedies in Nevada,” and that the “SAFETY Act Program” “provide critical incentives for the development and deployment of anti-terrorism technologies by providing liability protections for ‘qualified anti-terrorism technologies,’” which applies to a number of stadiums nationwide); Department of Homeland Security, *Soft Targets and Crowded Places Security Plan Overview*, May 2018 (noting that “mass shootings” in various places, including at a “concert,” aim “to kill and maim unsuspecting individuals” [p. 2] fall within the Department’s “primary mission” “to prevent terrorist attacks within the U.S, reduce the vulnerability of the U.S. to terrorism, and minimize the damage and assist in the recovery from terrorist attacks that do occur, including those in ST-CPs [soft-targets-crowded places],” and that the protections of the SAFETY Act have been “approved for open venues such as sports arenas and stadia” [p. 17]); Congressional Testimony of Secretary of DHS, May 15, 2018 (noting DHS is “seeking to ramp up ‘soft target’ security efforts,” that DHS programs “address threats to soft targets – including schools, entertainment venues, major events, and public spaces.”). On June 4, 2018, DHS announced that it had “developed a ST-CP Security Enhancement and Coordination Plan,” which has not been made public. The plan addresses “the increased emphasis by terrorists and other extremist actors to leverage less sophisticated methods to inflict harm in public areas ... such as parks, ... special event venues, and similar facilities.” <https://www.dhs.gov/publication/securing-soft-targets-and-crowded-spaces>

5. Paddock's attack on the Route 91 Concert meets these statutory requirements. The FAC alleges that Stephen Paddock used weapons that were intended to cause mass injury and did in fact cause mass injury. The FAC refers to the incident as the "Mass Shooting" and "the massacre," FAC ¶ 148, and alleges that it was the "deadliest mass shooting in United States history," FAC ¶ 2, and that Paddock gathered and transported assault weapons and other prohibited items for the purpose of inflicting mass death and injury, FAC ¶ 98. Paddock allegedly fired "hundreds of rounds at the Route 91 Festival without interruption, killing 58 guests ... and injuring hundreds of others." FAC ¶ 69.

6. The SAFETY Act provides that the district courts of the United States "shall have original and exclusive jurisdiction" over "all actions for any claim for ... personal injury, or death" that arise out of, relate to, or result from such an act "when qualified anti-terrorism technologies have been deployed in defense against or response or recovery from such act and such claims result or may result in loss to the Seller." 6 U.S.C. § 442(a).

7. Pursuant to the SAFETY Act, the Department of Homeland Security has certified the services provided by Contemporary Services Corporation ("CSC") – the Security Vendor for the Route 91 concert. The DHS Certification recognizes CSC's security services as appropriate for preventing and responding to acts of mass violence. 6 U.S.C. § 441; *see also* 48 C.F.R. § 50.201.

8. The protections of the SAFETY Act – including the provision of exclusive federal jurisdiction – apply not only to the certified provider of the DHS Certified services (here, CSC), but also to the provider's customers and other downstream users of the Certified services. 6 C.F.R. § 25.7(d). The use of such DHS Certified services at the concert gives rise to exclusive federal jurisdiction over this action.

9. Security for the Route 91 Harvest Festival was provided by CSC. CSC's "Event Security Services" are Certified by the Department of Homeland Security, pursuant to section 441(a) of the SAFETY Act, as appropriate services for preventing and responding to incidents of mass violence. *See* Doyen Declaration.

10. CSC's security services Certified by DHS include "Physical Security"; "Access Control"; and "Crowd Management." CSC's Certified Crowd Management Services include:

- "Awareness of venue-specific emergency response protocols and evacuation procedures to include emergency alert and mass-notification systems and sheltering procedures";
- "Pre-event venue / event safety inspections;"
- "Facilitation of crowd movement during ingress, circulation, sheltering in place, emergency evacuation, and egress";
- "Pre-event coordination and multi-agency collaboration with public safety agencies"; and
- "Selection, vetting, and training of employees."

11. CSC was retained as the "Security Vendor" for the Route 91 Harvest Festival, and provided the security personnel for the concert. CSC's responsibilities at the Route 91 Harvest Festival included providing the following DHS Certified services:

- "perimeter security, event access, and festival grounds event security";
- "Staff[ing] inner perimeter and gates";
- "Protect[ing] against unauthorized access";
- "early warning ... of perimeter breaches";
- "Secur[ing] internal festival grounds";
- "Patrol[ing] festival floor grounds and assist[ing] patrons with any security related issues";
- pre-event planning for "Security and Safety";
- "Emergency response" and "evacuation," including evacuation for "terrorist threat"; and
- "ensur[ing] that the exit routes and gates remain unobstructed."

12. The FAC alleges that the foregoing security tasks were either not performed or were performed inadequately.

13. The FAC alleges, for example, that Festival security paid too much attention to preventing unauthorized access to the Festival lot, and not enough attention to evacuation; that the Festival lot "lacked a sufficient number of available exits for rapid disbursement of a crowd" because of "closed, blocked off, locked or completely barricaded many exits." FAC ¶ 81. CSC's

1 control over the perimeter and of perimeter exits are DHS Certified services subject to the
2 protections of the SAFETY Act.

3 14. The FAC alleges that Defendants “failed to reasonably hire staff with the requisite
4 experience and/or to properly train them in executing an emergency evacuation plan and
5 responding to a mass casualty event.” FAC ¶ 159. It alleges that security staff failed to perform
6 adequately by “not communicating, instructing, directing, assisting and/or guiding concert
7 attendees to designated exits during an emergency,” and/or not “[e]xecuting an emergency
8 evacuation plan to allow concert attendees to evacuate the premises.” FAC ¶ 147; *see* FAC ¶ 159
9 (defendants “failed to reasonably hire staff with the requisite experience and/or to properly train
10 them in executing an emergency evacuation plan and responding to a mass casualty event”).
11 CSC’s hiring and training of security staff – and its performance in an emergency evacuation – are
12 DHS Certified services subject to the protections of the SAFETY Act.

13 15. The FAC alleges that the foregoing alleged security failures caused Plaintiffs’
14 injuries. It alleges that the failure to hire staff with sufficient training or experience “curtailed,
15 stopped and/or prevented concert attendees, including Plaintiffs, from reasonably exiting and/or
16 escaping from the venue (1) once the shooting began; (2) at each interval when the shooter paused
17 to reload or switch weapons; (3) and/or at the end of the massacre.” FAC ¶ 148. Plaintiffs allege
18 that such inadequate security performance “caused and/or contributed to the endless injuries and
19 deaths that occurred on 1 October, including Plaintiffs.” FAC ¶ 142.

20 16. Plaintiffs’ allegations establish the predicates for the application of the SAFETY
21 Act: the mass shooting was an unlawful act; it was carried out in the United States; it was carried
22 out with weapons designed and intended to inflict mass injury. In fact, the mass shooting occurred
23 at a venue where DHS Certified services were in use to prevent and respond to unlawful acts of
24 mass violence; and Plaintiffs allege that failures in providing such services caused their injuries.
25 The FAC alleges that Defendants are liable for security at the Festival because Defendants acted
26 together in concert in “organizing, hosting, marketing, securing, and/or otherwise holding the
27 Route 91 Festival.” FAC ¶¶ 41, 136.

1 17. The SAFETY Act regulations make clear that “would be plaintiffs” cannot
2 “circumvent the statute, [by] bring[ing] claims (arising out of or relating to the performance or
3 non-performance of the Seller’s Qualified Anti-Terrorism Technology) against ... contractors,
4 subcontractors, suppliers, vendors, and customers of the Seller of the Technology,” because “those
5 persons or entities, in turn, would file a third-party action against the Seller” of the DHS Certified
6 services and thus ““may result in loss to the Seller”” within the meaning of the SAFETY Act.
7 Regulations Implementing the Support Anti-Terrorism by Fostering Effective Technologies Act of
8 2002 (the SAFETY Act), 71 FR 33147-01. As DHS explains, Congress “balanced the need to
9 provide recovery to plaintiffs against the need to ensure adequate deployment of anti-terrorism
10 technologies by creating a cause of action that provides a certain level of recovery against Sellers,
11 while at the same time protecting others in the supply chain.” *Id.*

12 **THIS COURT HAS JURISDICTION AND REMOVAL IS PROPER**

13 18. Based on the foregoing facts and allegations, this Court has original jurisdiction
14 over this action pursuant to 28 U.S.C. § 1331 and 6 U.S.C. § 442(a) because:

15 (a) Paddock’s conduct was an unlawful act and caused harm to persons in the
16 United States, by use of weapons designed or intended to cause mass injury;

17 (b) The shooting occurred at a venue where DHS Certified services were in use
18 to prevent and respond to such acts; and

19 (c) Plaintiffs allege that failures in the provision of such services caused their
20 injuries.

21 19. The United States District Court for the District of Nevada is the appropriate venue
22 for removal pursuant to 28 U.S.C. § 1441(a) because it embraces the place where Plaintiffs
23 originally filed this case, in Clark County District Court.

24 20. Upon filing this Notice of Removal, Defendants will furnish written notice to
25 Plaintiffs’ counsel, and will file and serve a copy of this Notice with the Clerk of the Superior
26 Court of Clark County pursuant to 28 U.S.C. § 1446(d).

21. This Notice of Removal is filed subject to and with full reservation of rights. No admission of fact, law or liability is intended by this Notice of Removal, and all defenses, motions, and pleas are expressly reserved.

WHEREFORE, Defendants remove to this Court the above action pending against it in the District Court of Nevada, Clark County.

DATED: June 22, 2018

MUNGER, TOLLES & OLSON LLP

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MICHAEL R. DOYEN
BETHANY W. KRISTOVICH
DANIEL B. LEVIN

By /s/ Brad D. Brian

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GROUND, LLC, MGM RESORTS VENUE
MANAGEMENT, LLC, AND MGM RESORTS
INTERNATIONAL

EXHIBIT A

SUMM

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Calzadillas*

[Additional Counsel On Signature Page]

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*Attorneys for Plaintiffs Nicholas and
Anthony Robone*

DISTRICT COURT

CLARK COUNTY, NEVADA

RACHEL SHEPPARD an Individual, LOTUS
HERRERA an Individual and as Special
Administrator of the Estate of BRIAN
FRASER, decedent; STEPHANIE FRASER
as the Guardian Ad Litem for AUBREE
FRASER, a minor; STEPHANIE FRASER as
the Guardian Ad Litem for BRAYDEN
FRASER; JOVANNA CALZADILLAS an
Individual, FRANCISCO CALZADILLAS an
Individual; and NICHOLAS ROBONE an
Individual;

CASE NO.: A-18-769752-C
DEPT. NO.: XXIV

SUMMONS

1 Plaintiffs,

2 vs.

3 MANDALAY BAY, LLC, f/k/a
4 MANDALAY CORP., a Nevada Domestic
5 Limited-Liability Company; MANDALAY
6 RESORT GROUP, a Nevada Corporation;
7 MGM RESORTS FESTIVAL GROUNDS,
8 LLC, a Nevada Domestic Limited-Liability
9 Company; MGM RESORTS VENUE
MANAGEMENT, LLC, a Nevada Domestic
Limited-Liability Company; MGM RESORTS
INTERNATIONAL, a Delaware Corporation;
DOES/ROES 1 through 100

10 Defendants.

11
12 **SUMMONS**

13 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**
14 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ**
15 **THE INFORMATION BELOW.**

16 **TO THE DEFENDANTS:** A Civil Amended Complaint has been filed by the plaintiff(s) against
17 you for the relief set forth in the Complaint.

18 **MANDALAY BAY, LLC, f/k/a MANDALAY CORP**

19 1. If you intend to defend this lawsuit, within 20 days after this Summons is served on
20 you exclusive of the date of service, you must do the following:

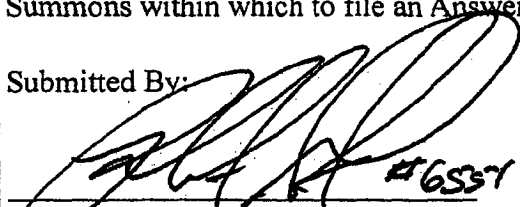
- 21
- 22 a. File with the Clerk of this Court, whose address is shown below, a formal
23 written response to the Complaint in accordance with the rules of the Court.
24 b. Serve a copy of your response upon the attorney whose name and address
is shown below.

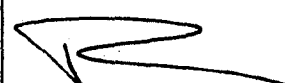
25 2. Unless you respond, your default will be entered upon application of the
26 plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the
27 Complaint, which could result in the taking of money or property or other relief requested in the
28 Complaint.


3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators, each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

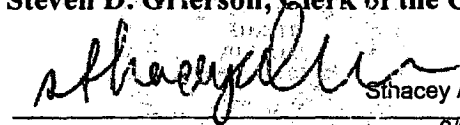
Submitted By:


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Guardian Ad Litem for Aubree Fraser and
Brayden Fraser*


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California Bar No. 192718
Rahul Ravipudi
Nevada Bar No. 14750
Gregorio V. Silva

Steven D. Grierson, Clerk of the Court


DEPUTY CLERK
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155

Sinacey Alvarez
Date 6/6/2018

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6 *Attorneys for Plaintiffs Nicholas and*
Anthony Robone

DISTRICT COURT CIVIL COVER SHEET

A-18-769752-C

County, Nevada

Department 24

Case No. _____

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Defendant(s) (name/address/phone):

RACHEL SHEPPARD, an Individual

MGM Resorts International; Mandalay Bay, LLC;

STEPHANIE FRASER, an Individual and on behalf of BRIAN FRASER

Mandalay Corp., MGM Resort Group;

MGM Resorts Festival Grounds, LLC

Attorney (name/address/phone):

Attorney (name/address/phone):

Eglet Prince

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II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Torts
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Surviving Spouse <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Greater than \$300,000 <input type="checkbox"/> \$200,000-\$300,000 <input type="checkbox"/> \$100,001-\$199,999 <input type="checkbox"/> \$25,001-\$100,000 <input type="checkbox"/> \$20,001-\$25,000 <input type="checkbox"/> \$2,501-\$20,000 <input type="checkbox"/> \$2,500 or less	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Other Civil Filing <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

February 16, 2018

Date

Signature of initiating party or representative

See other side for family-related case filings.

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Steven D. Grierson
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Anthony Robone*

DISTRICT COURT

CLARK COUNTY, NEVADA

RACHEL SHEPPARD an Individual,
LOTUS HERRERA an Individual and as
Special Administrator of the Estate of BRIAN
FRASER, decedent; STEPHANIE FRASER
as the Guardian Ad Litem for AUBREE
FRASER, a minor; STEPHANIE FRASER as
the Guardian Ad Litem for BRAYDEN
FRASER; JOVANNA CALZADILLAS an
Individual, FRANCISCO CALZADILLAS
an Individual; NICHOLAS ROBONE an
Individual; ANTHONY ROBONE an
Individual;

CASE NO.: A-18-769752-C
DEPT. NO.: XXIV

**FIRST AMENDED COMPLAINT &
DEMAND FOR JURY TRIAL**

Exemption from Arbitration Requested
Wrongful Death

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Plaintiffs,

vs.

MANDALAY BAY, LLC, f/k/a
MANDALAY CORP., a Nevada Domestic
Limited-Liability Company; MANDALAY
RESORT GROUP, a Nevada Corporation;
MGM RESORTS FESTIVAL GROUNDS,
LLC, a Nevada Domestic Limited-Liability
Company; MGM RESORTS VENUE
MANAGEMENT, LLC, a Nevada Domestic
Limited-Liability Company; MGM
RESORTS INTERNATIONAL, a Delaware
Corporation; DOES/ROES 1 through 100

Defendants.

COMPLAINT

COME NOW Plaintiffs Rachel Sheppard, Stephanie Fraser, individually and as the
Guardian Ad Litem for Aubree Fraser, a minor, and Brayden Fraser, a minor, Lotus Herrera as
Special Administrator of the Estate of Brian Fraser, deceased, by and through their attorneys, Mark
P. Robinson, Jr., Esq., of the law firm ROBINSON CALCAGNIE, INC., and James Lee, Esq., of
the LEE MURPHY LAW FIRM; Jovanna Calzadillas and Francisco Calzadillas by and through
their attorneys, Robert T. Eglet, Esq. and Robert M. Adams, Esq., of the law firm EGLET PRINCE
and Patrick McGroder III, of the law firm GALLAGHER & KENNEDY; and Plaintiffs Nicholas
Robone and Anthony Robone, by and through their attorneys, Kevin R. Boyle, Esq., Rahul
Ravipudi, Esq., Gregorio V. Silva, Esq. and Ellin Mardirosian, Esq., of the law firm PANISH
SHEA & BOYLE LLP (collectively, "Plaintiffs") bring this action against Defendants Mandalay
Bay, LLC f/k/a Mandalay Corp., Mandalay Resort Group, MGM Resorts Festival Grounds, LLC,
MGM Resorts Venue Management, LLC, MGM Resorts International, and Does/Roes 1-100
(hereinafter collectively, "MGM"), with personal knowledge as to their own actions, and upon
information and belief as to those of others, and respectfully allege the following:

NATURE OF THE ACTION

1. Columbine. Aurora. Sandy Hook. San Bernardino. Sutherland Springs. Pulse.
Mass shootings are now a common occurrence in everyday life. They indiscriminately take place

1 at schools, movie theaters, places of worship, work, nightclubs, and concerts. It is not a matter of
2 “if,” but rather “when” the next mass shooting takes place.

3 2. This action seeks to redress MGM’s inadequate, unreasonable, and egregiously
4 deficient security, which resulted in an MGM VIP Guest (“Shooter”) orchestrating the deadliest
5 mass shooting in United States history, causing injuries to Plaintiffs attending an MGM promoted
6 event held on MGM premises (“Mass Shooting”).

7 3. Specifically, MGM’s negligence caused:

- 8 a. Rachel Sheppard to be shot three times by the Shooter—once in the upper
9 chest, once in the torso, and once in the abdomen—causing her to nearly bleed
10 to death and requiring four surgeries;
- 11 b. Brian Fraser to be shot in the chest while trying to escape from the Shooter,
12 ultimately causing his death. Brian Fraser is survived by his two children,
13 Aubree and Brayden Fraser, and his wife, Stephanie Fraser, who was next to
14 her husband, Brian Fraser, during the shooting, causing her to suffer severe
15 emotional distress, among other injuries;
- 16 c. Jovanna Calzadillas to be shot in the head—as her husband, Francisco
17 Calzadillas, shielded her from the gunfire—causing paralysis and permanent
18 brain damage; and
- 19 d. Nicholas Robone to be shot in the upper chest causing him to cough blood—
20 which his brother Anthony Robone witnessed—requiring surgery and weeks
21 of physical therapy.

22 4. For three to six days prior to the Mass Shooting, MGM conveyed certain privileges
23 to the Shooter, including use of a service elevator not intended to be accessible to guests or the
24 public, which the Shooter used, with the assistance of MGM employees, to carry approximately
25 24 suitcases and/or bags and a large white container carrying at least 23 guns, including 22 assault
26 rifles, to two adjacent suites on the 32nd floor of the Mandalay Bay Resort and Casino Las Vegas
27 located at 3950 South Las Vegas Boulevard, Las Vegas, NV 89119 (“Mandalay Bay”).
28

1 5. Despite having repeated interactions with the Shooter, not a single MGM staff
2 member, manager, or security team member inquired with the Shooter about the nearly 25 bags
3 and containers he brought with him, even though he apparently remained alone his entire stay.

4 6. During those three to six days, while the Shooter prepared for the Mass Shooting,
5 MGM failed to exercise due care for the safety of its guests, deliberately ignoring countless signs
6 of suspicion that, if noticed, would have prevented, or significantly thwarted, the Shooter's efforts.

7 7. In addition to the suspiciously large number of bags the Shooter had, he carried his
8 guns through hotel passages openly available to Mandalay Bay patrons, and he specifically
9 requested two rooms overlooking the Route 91 Harvest Festival ("Route 91 Festival"). The
10 Shooter procured a second room, using his girlfriend's name, despite being alone his entire stay.
11 He also installed an elaborate surveillance system in the hotel, installing two cameras in the
12 hallway outside of his suites and one in the peep hole on his door.

13 8. The Shooter also used power tools to barricade an entrance in the hallway, and he
14 refused to allow anyone to service his room without his supervision. He also left a "Do Not
15 Disturb" sign on his room for more than 36 hours without investigation by any MGM personnel.

16 9. For up to twenty minutes, the Shooter broke out the windows in his rooms and used
17 an arsenal of weapons to reign gun fire on persons in attendance of the Route 91 Festival, a three-
18 day country music festival promoted by and held on MGM premises, which Plaintiffs attended.

19 10. During the Mass Shooting, MGM gave no assistance, direction, or information to
20 Plaintiffs, or any of the other 20,000 (approximately) festival goers, about the existence or the
21 location of the Shooter, and how to escape to safety.

22 11. Instead, the Route 91 Festival attendees were trapped inside the festival venue,
23 preventing Plaintiffs and thousands of others from escaping the gun fire. For instance, many of
24 the festival's exits were either closed, blocked off, or completely barricaded by MGM, and the few
25 available exits were not well marked or lit.

26 12. Even worse, MGM had immediate, actual knowledge of the location of the Shooter
27 and that hundreds of rounds were being fired from his suite to the Route 91 Festival. Still, MGM
28 failed to take any action to stop or deter the Shooter, and failed to accurately provide law
enforcement with the Shooter's location.

Plaintiff Rachel Sheppard

15. Rachel Sheppard purchased a ticket to the Route 91 Festival, and at all relevant times was a paying customer of MGM.

17. As a result of MGM's wrongful conduct, acts, and omissions, Rachel Sheppard was shot three times by the Shooter—once in the upper chest, once in the torso, and once in the abdomen—blasting her to the ground, injuring her back, and severing her aorta. She nearly bled to death three times, requiring 40 units of blood, coded twice, and to date has undergone four surgeries, including one where she was opened from her pubic bone to her throat in order for her chest to be sawed open so that her aorta could be repaired.

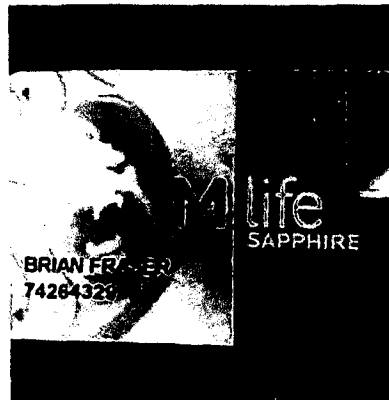
18. Plaintiff Stephanie Fraser brings this case on behalf of her family and individually. Lotus Herrera as Special Administrator of the Estate of Brian Fraser, deceased; Stephanie Fraser, as the Guardian Ad Litem for Aubree Fraser, a minor; and Stephanie Fraser, as the Guardian Ad Litem for Brayden Fraser, a minor, is and at all times relevant hereto was a resident of the State of California.

- 5 -

20. Brian and Stephanie Fraser ("Fraser") purchased tickets to the Route 91 Festival, and at all relevant times were paying customers of MGM.



21. During their stay in Las Vegas for the Route 91 Festival, the Frasers were paying customers of Mandalay Bay. The Frasers went to Las Vegas with a large group of family and friends who spent time together at the Mandalay Bay swimming pool and at the casino floor where they discussed the Route 91 Festival with MGM's employees. During Brian Fraser's stay, MGM provided him with an M-Life players card.



22. As a result of MGM's wrongful conduct, acts, and omissions, Brian Fraser was shot in the chest by the Shooter, injuries from which he suffered for an appreciable amount of time but which ultimately caused his death.

23. As a result of MGM's wrongful conduct, acts, and omissions, Stephanie Fraser witnessed her husband, Brian Fraser, be shot, fall to the ground, and be given CPR, causing her severe emotional distress, among other injuries.

Plaintiff Jovanna Calzadillas, and Francisco Calzadillas

24. Plaintiff Jovanna Calzadillas is and at all relevant times hereto was a resident of the State of Arizona.

25. Plaintiff Francisco Calzadillas is and at all relevant times hereto was a resident of the State of Arizona.

26. Jovanna and Francisco Calzadillas ("Calzadillas") purchased tickets to the Route 91 Festival, and at all relevant times were paying customers of Defendants.

27. During their stay in Las Vegas for the Route 91 Festival, the Calzadillas were paying customers of the Luxor Hotel and Casino, an MGM property, and were members of MGM's M-Life rewards program. Francisco Calzadillas recently returned from military deployment and he was vacationing with his wife in Las Vegas.

28. As a result of Defendants' wrongful conduct, acts, and omissions, Jovanna Calzadillas was shot in the head by the Shooter, causing paralysis and permanent disability. As a result of Defendants' wrongful conduct, acts, and omissions, Francisco Calzadillas witnessed his wife, Jovanna Calzadillas, be shot, and he carried her lifeless body out of the concert venue causing him severe emotional distress.

Plaintiff Nicholas Robone and Anthony Robone

29. Plaintiff Nicholas Robone is and at all relevant times hereto was a resident of Clark County, Nevada.

30. Plaintiff Anthony Robone is and at all relevant times hereto was a resident of Clark County, Nevada.

31. Nicholas Robone and his brother Anthony Robone purchased or received as gifts tickets to the Route 91 Festival, and at all relevant times were paying customers of MGM.

32. As a result of Defendants' wrongful conduct, acts, and omissions, Nicholas Robone suffered a gunshot wound to his upper chest, the bullet just missing his heart, but bruising his lungs, requiring weeks of physical therapy and medical treatment.

33. As a result of Defendants' wrongful conduct, acts, and omissions, Anthony Robone witnessed his brother, Nicholas Robone, be shot, and Anthony Robone carried his brother's

bleeding body out of the concert venue causing him severe emotional distress, among other injuries.

Defendant Mandalay Bay, LLC f/k/a Mandalay Corp.

34. At all relevant times, Defendant Mandalay Bay, LLC f/k/a Mandalay Corp. was a Nevada Domestic Limited-Liability Company duly licensed and incorporated under the laws of Nevada, with its principal place of business in Clark County, Nevada, and, as a subsidiary of Defendant MGM Resorts International, is believed to be the owner, operator, lessor, and/or manager of Mandalay Bay. Mandalay Bay, LLC had its own VIP section inside the Las Vegas Village.

Defendant Mandalay Resort Group

35. At all relevant times, Defendant Mandalay Resort Group was a Nevada Domestic Corporation duly licensed and incorporated under the laws of Nevada, with its principal place of business in Clark County, Nevada, and is the managing member of Mandalay Bay, LLC, and, as a subsidiary of Defendant MGM Resorts International, is believed to be the owner, operator, lessor, and/or manager of Mandalay Bay. In addition, Mandalay Resort Group owns and/or operates multiple hotels under its umbrella including, but not limited to:

- a. Victoria Partners, dba Monte Carlo Resort and Casino ("Monte Carlo");
- b. Circus Circus Casinos, Inc., dba Circus Circus Hotel and Casino Las Vegas ("Circus Circus");
- c. Ramparts, Inc., dba Luxor Hotel and Casino ("Luxor");
- d. New Castle Corp., dba Excalibur Hotel and Casino ("Excalibur"); and
- e. Mandalay Bay LLC dba Mandalay Bay Resort and Casino and the Delano f/k/a THEHotel ("Mandalay Bay").

Defendant MGM Resorts Festival Grounds, LLC

36. At all relevant times, Defendant MGM Resorts Festival Grounds, LLC, was a domestic limited-liability company duly licensed and incorporated under the laws of Nevada, with its principal place of business in Clark County, Nevada, and is believed to be the owner and/or operator of the Las Vegas Village, the concert venue where the Route 91 Festival occurred in September and October 2017.

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3 **Defendant MGM Resorts Venue Management, LLC**

4 37. At all relevant times, Defendant MGM Resorts Venue Management, LLC was a
5 domestic limited-liability company duly licensed and incorporated under the laws of Nevada, and
6 believed to be the concert and/or event promoter of the Route 91 Festival in September and October
7 2017.

8 **Defendant MGM Resorts International**

9 38. At all relevant times, Defendant MGM Resorts International was a corporation duly
10 licensed and incorporated under the laws of Delaware, with its principle place of business in Clark
11 County, Nevada, and is the parent company and alter-ego of Defendant Mandalay Bay, LLC f/k/a
12 Mandalay Corp., Defendant Mandalay Resort Group, and Defendant MGM Resorts Festival
13 Grounds, LLC, Defendant MGM Resorts Venue Management, LLC, and is believed to be the
14 owner, co-owner, operator, lessor, lessee and/or manager of Excalibur and Mandalay Bay, as well
15 as Las Vegas Village, an open-air concert and event venue adjacent to the Mandalay Bay consisting
16 of 15 acres of seating area with a capacity of 40,000 guests located at 3901 South Las Vegas
17 Boulevard, Las Vegas, NV 89119 ("Las Vegas Village"). MGM Resorts International had its own
18 VIP section inside the Las Vegas Village. MGM Resorts International is also believed to be the
19 permit holder for the Route 91 Festival, and responsible for the security at the Mandalay Bay and
20 Las Vegas Village.

21 **Unknown Defendants**

22 39. The true names and/or capacities, whether individual, corporate, partnership,
23 associate or otherwise, of the Defendants herein designated as Does and/or Roes are unknown to
24 Plaintiffs at this time who, therefore, sues said Defendants by fictitious names. Plaintiffs allege
25 that each named Defendant herein designated as Does and/or Roes is negligently, willfully,
26 contractually, or otherwise legally responsible for the events and happenings herein referred to and
27 proximately caused damages to Plaintiffs as herein alleged. Plaintiffs will seek leave of Court to
28 amend this Complaint to insert the true names and capacities of such Defendants when they have
been ascertained and will further seek leave to join said Defendants in these proceedings.

JURISDICTION AND VENUE

43. Exercise of the jurisdiction by this Court is further appropriate where all incidents described herein occurred in Clark County, Nevada.

A. MGM Failed to Exercise Due Care

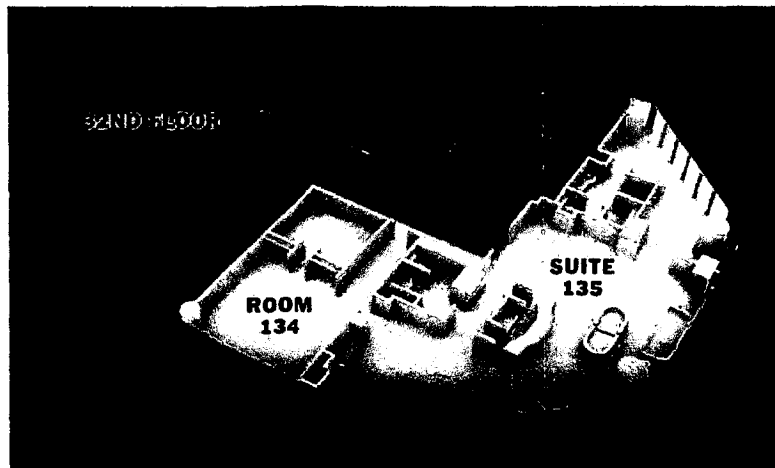
45. The Shooter was a VIP guest of Mandalay Bay, and his room charges were compensated by the hotel. The Shooter was permitted to specifically select his room—choosing

1 rooms with a vantage point from which to carry out the Mass Shooting—and to make changes to
2 the layout of the rooms to assist with his plan.

3 46. Because of his VIP status, MGM gave the Shooter extra leeway and privileges, and
4 either relaxed or failed to enforce the inadequate security policies and procedures that it has in
5 place for the safety of its guests.

6 47. On Monday, September 25, 2017, six days before the October 1, 2017 Mass
7 Shooting, the Shooter checked into corner suite 32-135 on the 32nd Floor of the Mandalay Bay, a
8 suite specifically selected by the Shooter with a view overlooking the Route 91 Festival.

9 48. On September 29, 2017, the Shooter, despite apparently being alone his entire stay,
10 used his girlfriend's name to check into suite 32-134, which connected with room 32-135 via a
11 door in between. Both rooms had a scheduled check-out date of October 2, 2017.

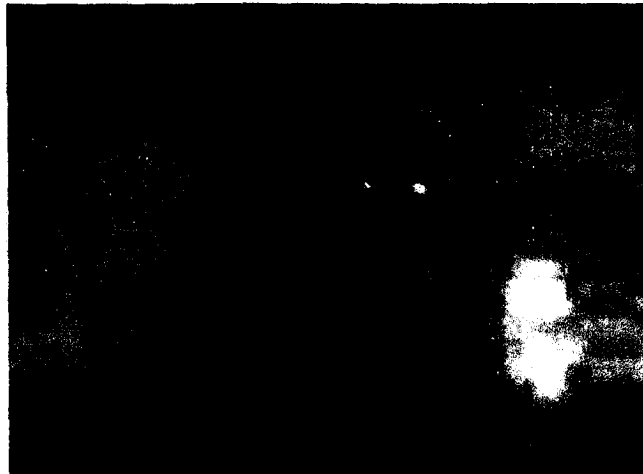


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19 49. MGM, including the Mandalay Bay premises, has a “strict no weapons” policy. In
20 so doing, MGM voluntarily assumed, and continues to assume, a duty to protect its patrons by
21 prohibiting firearms on its premises, recognizing such prohibition as being necessary for their
22 safety. However, MGM failed to enforce this policy against the Shooter, which resulted in the
23 Plaintiffs’ damages.

24 50. After checking in, MGM’s employees allowed the Shooter to use a service
25 elevator to transport numerous bags, which contained an arsenal of weapons, explosive material,
26 and ammunition, to his room. It is against MGM’s policy, which is designed for the safety of its
27 guests, to allow non-employees to use the service elevators or bring firearms onto hotel premises.

1 51. Specifically, based on Event # 171001-3519 LVMPD Force Investigation Team
2 Report ("Report"), subsequent reports, and upon information and belief, not only was MGM
3 negligent in prohibiting firearms, ammunition, and explosives to accumulate in rooms 32-135 and
4 32-134, but MGM's employees escorted, delivered, carried and/or helped the Shooter carry the
5 prohibited and dangerous items to the rooms:

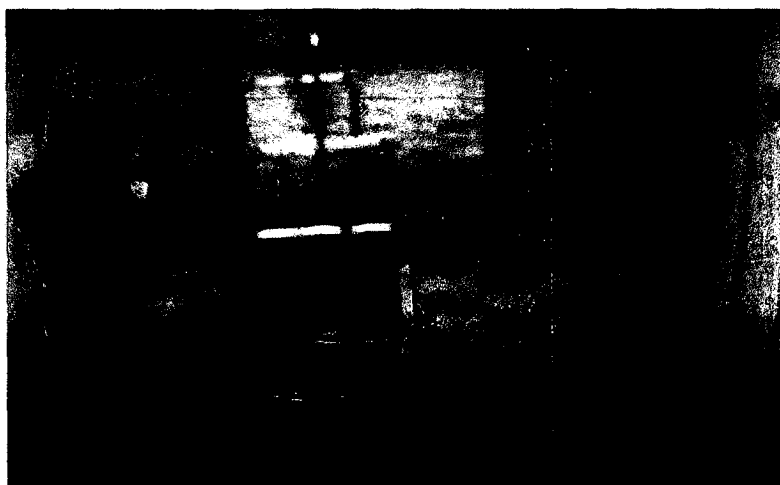
- 6 a. On September 25, 2017, at approximately 4:56 pm, the Shooter had valet at
7 Mandalay Bay unload his vehicle and then went to the front desk with
8 approximately **five suitcase bags**. A Mandalay Bay bellman met the
9 Shooter who requested to use the service elevators, not the guest elevators,
10 and escorted him to room 32-135. The Shooter rolled one bag and the
11 bellman used a luggage cart to carry approximately four bags with firearms,
12 assault weapons, ammunition, tripods, explosive material, and other
13 prohibited items:



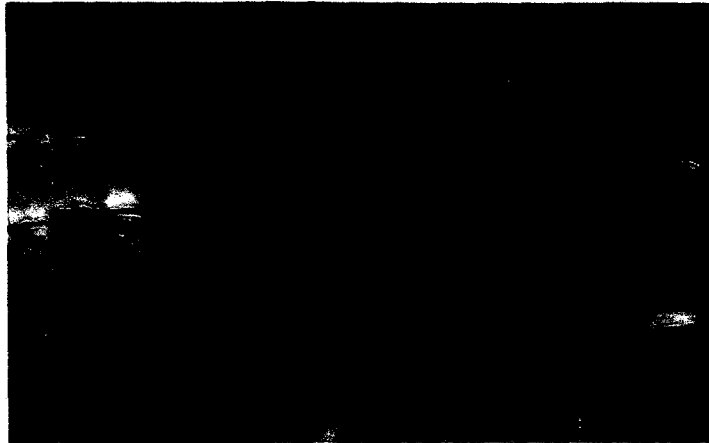
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22 b. On September 26, 2017, at approximately 10:52 pm, the Shooter again
23 valeted his vehicle at Mandalay Bay and this time had approximately **seven**
24 **additional suitcase bags** removed from his vehicle and had six placed on a
25 luggage cart and rolled one himself. Again, the Mandalay Bay bellman took
26 the seven bags and the Shooter through the service elevator instead of the
27 guest elevators to room 32-135:
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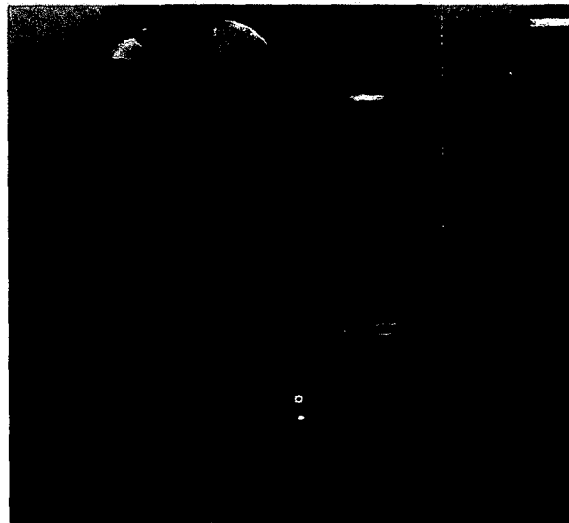
- c. On September 28, 2017, at approximately 9:46 pm, the Shooter valeted his vehicle and removed approximately **one white container, two rolling suitcases and a laptop bag**, taking the service elevator to his room:



- d. On September 30, 2017, at approximately 5:56 am, the Shooter returned to Mandalay Bay and removed approximately **four suitcase bags** from his vehicle and moved them to his room:



- e. Also on September 30, 2017, at approximately 2:52 pm, valet retrieved the Shooter's vehicle, which the Shooter immediately moved to the self-parking garage. At approximately 3:12 pm, the Shooter retrieved approximately **two more bags** from his vehicle in self-parking and utilized the guest elevator to take the additional two bags to his room:



- f. On October 1, 2017, at approximately 12:29 pm, the Shooter transported approximately **two additional rolling suitcases and another bag** hanging from one of the rolling suitcases and utilized the guest elevators to take the bags and rolling suitcases carrying prohibited items to his rooms:



52. MGM's employees also went into the Shooter's rooms multiple times to perform cleaning, housekeeping, and food service delivery or retrieval, where Plaintiffs believe employees either witnessed his cache of weapons, explosive materials, power tools, hammers, tripods, ammunition, and homemade gas masks, and failed to report their observations to law enforcement; or failed to recognize his cache of weapons, explosive materials, power tools, hammers, tripods, ammunition, homemade gas masks, and therefore negligently and carelessly did not report their observations to law enforcement.

53. If the latter, MGM's employees still went into the Shooter's room and saw a single individual with more than 20 bags of luggage in his rooms, who refused to allow anyone in his rooms without his supervision, which should have triggered action on their part and on the part of any reasonable hotel employee/agent.

54. Based on the above-mentioned Reports, and upon information and belief, MGM's employees negligently and carelessly failed to discover and/or notify law enforcement of the Shooter's wrongful, dangerous, suspicious, and potentially harmful conduct on at least the following dates and times:

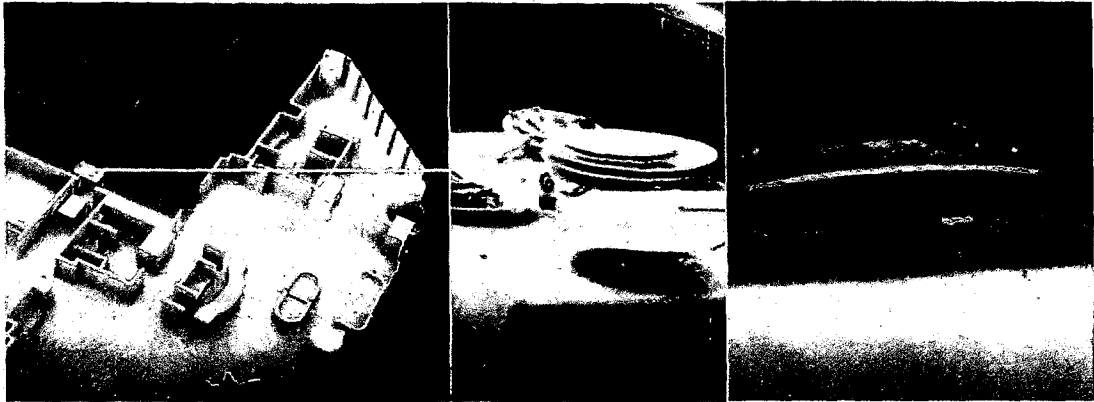
- a. On September 27, 2017, sometime after 4:00 pm, when delivering two entrees to the Shooter in room 32-135;
- b. On September 27, 2017, at approximately 4:32 pm, when cleaning room 32-135 with the Shooter remaining in the room;

- c. On September 29, 2017, at approximately 2:00 pm, when cleaning room 32-135 with the Shooter remaining in the room and instructing the staff not to vacuum the floor;
- d. On September 29, 2017, at approximately 11:00 pm, when delivering food to room 32-134 for the Shooter;
- e. On September 30, 2017, around noon, when servicing the mini bar in room 32-134;
- f. On September 30, 2017, shortly after noon, the Shooter placed a "Do Not Disturb" sign on the doors to rooms 32-135 and 32-134, and declined any further cleaning service; and
- g. On October 1, 2017, at approximately 1:37 pm, when delivering another meal to room 32-134, trusted hotel staff employees accessed the room and were in contact with the Shooter, the room, the luggage, the prohibited firearms, ammunition or other prohibited items, including approximately 21 assault rifles, one long rifle, one handgun, 5,000 rounds of ammunition, explosive materials, power tools, hammers, tripods, and **at least 20 bags** which carried the prohibited items, including approximately 16 bags which were previously transported and delivered by MGM's employees.

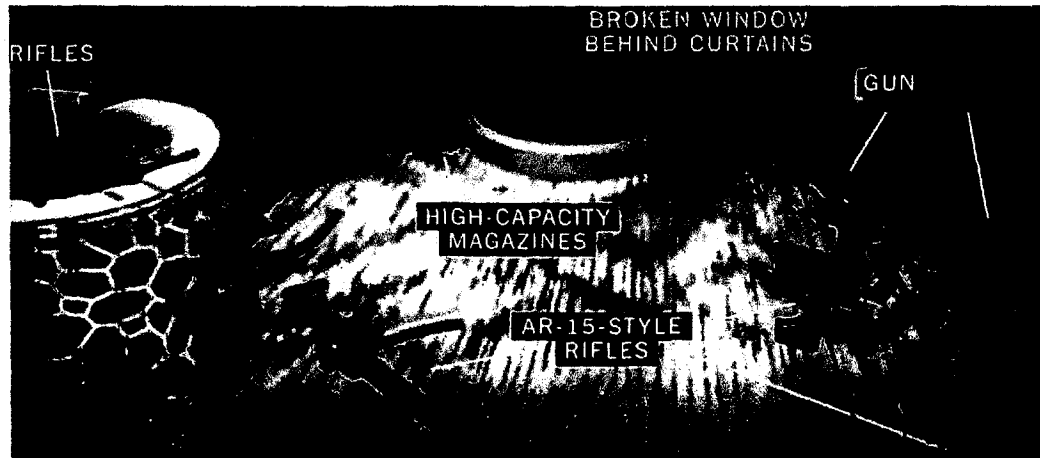
55. Sometime between September 28, 2017 and October 1, 2017, the Shooter used power tools to bolt the stairwell door closed, which, remarkably, MGM either ignored given the Shooter's VIP status, or it went undetected until immediately prior to the Mass Shooting because of Mandalay Bay's inadequate security. And, on October 1, 2017, between 2:23 pm and 7:40 pm, the doors of rooms 32-134 and 32-135 were manipulated multiple times, which MGM detected, but ignored. For example, the doors were opened, closed, and the dead bolt locks were engaged and disengaged several times, without any investigation by MGM.

56. During this period, the Shooter used power tools to install one camera in the peephole of his suite and at least two more cameras in the hallway, with one of the cameras on a Mandalay Bay food service cart left by the Shooter in the hallway outside his room. The Shooter

1 used these video cameras to keep a lookout into on the hallway, and to attempt to thwart security
2 and/or law enforcement:



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10 57. Inexplicably, MGM either intentionally ignored this surveillance system entirely
11 given the Shooter's VIP status, or it went completely undetected until after the Mass Shooting had
12 ended because of Mandalay Bay's inadequate security.

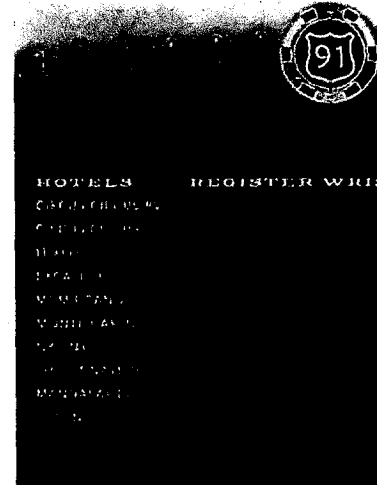


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20 58. Given the totality of the circumstances, MGM was either on notice that guests on
21 its premises could be harmed by the Shooter, or, at a minimum, failed to enforce its "strict no
22 weapons" policy and failed to exercise due care for the safety of its patrons or other persons on its
23 premises that would have prevented the Mass Shooting from occurring.

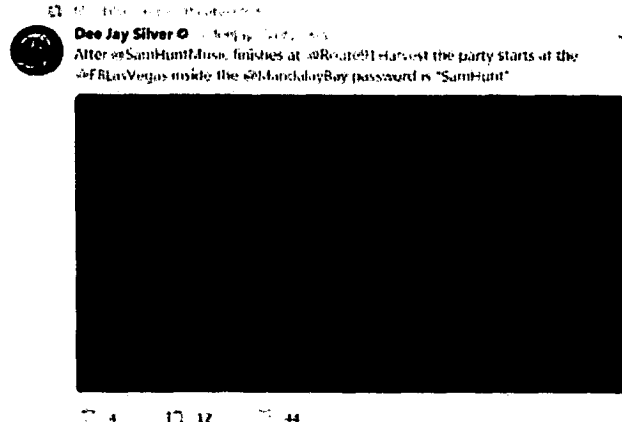
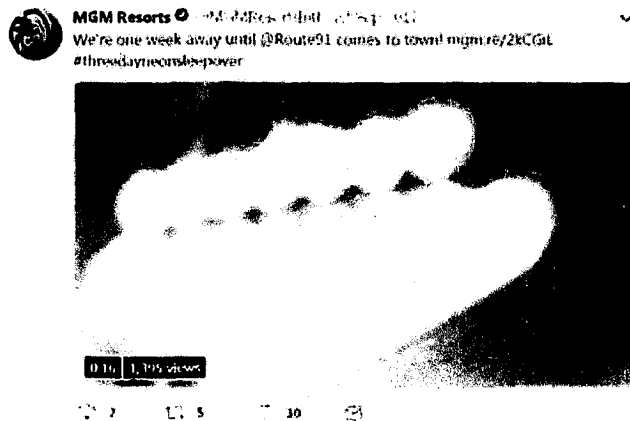
24 **B. MGM's Negligence During the Mass Shooting**

25 59. Leading up to the Route 91 Festival event, MGM actively promoted the event,
26 including comping its patrons with free tickets to the festival and having its employees, including
27 dealers at Mandalay Bay, promote the event to the hotel's patrons.

60. On the Route 91 Festival website, Mandalay Bay and MGM's other hotels—with the majority of properties belonging to Mandalay Resort Group—were promoters of the event, offering exclusive hotel offers to those in attendance:



61. MGM also used social media to promote the Route 91 Festival, including the twitter accounts of both MGM Resorts International and Mandalay Bay:



1 62. On October 1, 2017, Plaintiffs entered the Route 91 Festival, which took place at
2 the Las Vegas Village, a recreational facility owned by MGM that is adjacent to and used or
3 maintained in connection with MGM's Mandalay Bay, Excalibur, Delano, Luxor, and other MGM
4 hotels. As they entered the Las Vegas Village the Plaintiffs' person and possessions were searched
5 for weapons.

6 63. At approximately 8:40 p.m., a HotSOS alarm (triggered when a guest's room door
7 is left ajar for a predetermined amount of time) was generated from room 32-129. MGM has a
8 policy to investigate such alarms in order to ensure the safety of its guests and its guests'
9 belongings. MGM deliberately waited until 9:11 p.m., over 30 minutes after the alarm was
10 generated, to assign Mandalay Bay's security guard Jesus Campos to investigate room 32-129.
11 Remarkably, Mr. Campos waited until approximately 9:47 p.m., more than one hour after the
12 HotSOS alarm was first generated, to investigate room 32-129.

13 64. Plaintiffs are informed and believe and herein allege that this inexcusable delay was
14 due to a lack of security staffing, and MGM's inadequate security policy and procedures, which
15 forced Mr. Campos, the only security guard responsible for the 100-wing section of the Mandalay
16 Bay at the time, to investigate four other HotSOS alarms first.

17 65. While on route to room 32-129 through the 100-wing stairwell, Mr. Campos noticed
18 the stairwell entrance to the 32nd floor had been barricaded, preventing his access to the 32nd
19 Floor. At approximately 10:00 p.m., after walking up to the 33rd floor and using a guest elevator
20 to get to the 32nd Floor, Mr. Campos confirmed room 32-129 was secure. He then checked the
21 entrance to the 100-wing stairwell and discovered an "L" bracket screwed into the door and frame,
22 preventing it from being opened. Inexplicably, Mr. Campos reported this finding to the
23 Maintenance Department instead of MGM Security.

24 66. Due to MGM's lack of staffing and inadequate security policies and procedures,
25 Mr. Campos failed to immediately check the HotSOS alarm for room 32-129, which would have
26 resulted in Mr. Campos investigating the 100-wing stairwell entrance much sooner.

27 67. At approximately 10:00 p.m., during the performance of Jason Aldean, the Shooter
28 broke out two windows in his Mandalay Bay Hotel rooms, and began firing gunshots at the Route
91 Festival on the adjacent MGM owned property. Shortly after the shooting began, Mr. Campos

1 walked down the 100-wing hallway when the Shooter fired shots at Mr. Campos, striking him in
2 the left calf with a bullet fragment. Despite Mr. Campos telling his dispatcher that shots had been
3 fired from room 32-135, MGM failed to immediately and correctly report this information to law
4 enforcement, leading to a delayed and imprecise response by law enforcement, causing and
5 contributing to the injuries and damages suffered by Plaintiffs.

6 68. At approximately 10:10 p.m., hotel engineer, Stephen Schuck, arrived on the 32nd
7 floor to investigate the "L" bracket blocking the stairwell entrance. While on route, Mr. Shuck
8 reported to Mandalay Bay personnel that someone was shooting a rifle in the 100-wing hallway
9 on the 32nd floor. Still, MGM failed to immediately and correctly report this information to law
10 enforcement, leading to a delayed and imprecise response by law enforcement, causing and
11 contributing to the injuries and damages suffered by Plaintiffs.

12 69. For up to 20 minutes, the Shooter used an arsenal of weapons firing hundreds of
13 rounds at the Route 91 Festival without interruption, killing 58 guests, including Brian Fraser, and
14 injuring hundreds of others, including Stephanie Fraser, Rachel Sheppard, Jovanna and Francisco
15 Calzadillas, Nicholas Robone, and Anthony Robone. Despite having direct knowledge of the exact
16 location of the Shooter, at no point did MGM take any action to stop, deter, minimize the harm
17 caused by the Shooter, or otherwise intervene.

18 70. Despite the fact that Mr. Campos and Mr. Schuck both reported that shots were
19 coming from room 32-135 and the 100-wing hallway of the 32nd floor, MGM failed to properly
20 relay the Shooter's exact location to law enforcement or immediately send its own security to stop
21 the Shooter. The Report indicates law enforcement had "conflicting information on the exact
22 location of the Shooter(s) whether it was on the 31st, 32nd, or 33rd floors." Further when strike
23 teams arrived, each group was "given information the Shooter was possibly on the 29th or 31st
24 floor and taken there by elevator." Additional wrong information resulted in law enforcement
25 being sent to the Foundation Room on the top floor of the Mandalay Bay. These failures caused
26 by MGM allowed the Shooter to continue the Mass Shooting uninterrupted, causing and
27 contributing to Plaintiffs' injuries.

28 71. During Jason Aldean's performance, Rachel Sheppard was shot three times—once
in the upper chest, once in the torso, and once in the abdomen. The shots threw her to the ground,

1 where she injured her back and laid down screaming and jolting in pain. One bullet was removed
2 in surgery during her initial hospitalization. Another bullet was removed during an additional
3 surgery in December 2017. Rachel continues to have one bullet and numerous fragments in her
4 body.

5 72. During the ensuing chaos, a Good Samaritan picked Rachel up and carried her to
6 the medical tent where she waited approximately 45 minutes for medical assistance. This Good
7 Samaritan eventually forced himself into an ambulance and held Rachel Sheppard in the
8 ambulance applying compresses to her bullet wounds. But for the heroic efforts of the Good
9 Samaritan, Rachel Sheppard would probably have died at the scene like so many others. Rachel
10 will be impacted and impaired for life as a result of the damages incurred.

11 73. Similarly, the Frasers were in attendance of the Route 91 Festival with a large group
12 of family and friends watching Jason Aldean's performance. During the performance, they heard
13 what sounded like packaged firecrackers go off. Although, at first, they did not believe the sounds
14 were gun shots, upon hearing the noise again, their friend forced them to the ground to protect
15 them.

16 74. While on the ground, Stephanie Fraser witnessed Brian Fraser crouch down to the
17 ground and contort into a ball behind her. After the gun shots stopped, Stephanie Fraser began to
18 stand up, and saw her husband and others fall to the ground when a second round of gunshots
19 started.

20 75. One of the Frasers' friends confirmed Brian Fraser had been shot, and he moved
21 Brian and Stephanie Fraser to the VIP section bleachers, where two other people attempted to give
22 Brian Fraser CPR while Stephanie Fraser watched. Stephanie Fraser continued to watch her
23 husband receive CPR until Good Samaritans placed Brian Fraser into a wheelbarrow and they were
24 forced to leave the premises. As a result of the chaos surrounding the shooting and the lack of
25 clearly defined exits, Stephanie Fraser became separated from her husband, and learned hours later
26 that he did not survive.

27 76. Likewise, during Jason Aldean's performance, the Calzadillas were near the stage
28 watching the final performance of the night. They were vacationing in Las Vegas after Francisco
Calzadillas just returned home from deployment in the Middle East.